

**ONEIDA INDIAN NATION
SMOKE-FREE ACCESS ORDINANCE**

O-06- 03

Pursuant to the authority vested in the Oneida Indian Nation (hereafter referred to as the “Nation”), by virtue of its sovereignty and inherent powers of self-government, the Nation hereby enacts this Smoke-Free Access Ordinance to provide standards to minimize the adverse effects of second-hand smoke at the Turning Stone Resort & Casino (hereafter referred to as “TSRC”).

ARTICLE 1– PUBLIC HEALTH AND SAFETY OBJECTIVES

The objectives of this Ordinance are:

- a) to promote the health, comfort and environment of its employees and guests and others who work in, visit, use or patronize the TSRC;
- b) to minimize the adverse effects of second-hand smoke while providing non-smoking patrons and smoking patrons with the same opportunities to enjoy the TSRC; and
- c) to protect its employees by providing non-smoking accommodations to those employees who request to work in smoke-free environments.

ARTICLE 2 – POWERS OF THE NATION

The Nation shall have the power to enforce compliance with the standards and regulations of this Ordinance.

ARTICLE 3 – HEALTH STANDARDS

With the purpose of meeting these objectives, the Nation adopts the following standards to apply at TSRC:

- a) Smoking shall be prohibited in the TSRC’s hallways, lobbies and shops;
- b) TSRC shall provide access to the same types of gaming opportunities in a smoke-free environment that are available in areas where smoking is permitted;
- c) Non-smoking areas shall be available in all TSRC restaurants, and guests shall have access to those restaurants without having to enter any smoking areas;
- d) Smoking shall be prohibited in the TSRC’s Event Center and Showroom venues;
- e) Non-smoking hotel rooms shall be available for guests who request them;

- f) Smoking shall be prohibited in TSRC conference rooms, offices, kitchens, and other non-public areas where employees perform their work duties;
- g) Reasonable accommodations shall be made for the TSRC employees who request to work in smoke-free environments;
- h) Smoke-free signs, or the international “No Smoking” symbol, which consists of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it, shall be posted and properly maintained where smoking is prohibited by this Ordinance; and
- i) Notice shall be provided at the reception area of hotels as to the availability, upon request, of rooms in which no smoking is allowed.

ARTICLE 4 – INSPECTIONS, ADMINISTRATION AND ENFORCEMENT

- a) To carry out these objectives, the TSRC Chief Operating Officer shall appoint one or more compliance officers. Compliance officers shall advance the objectives of this Ordinance by conducting routine inspections of the TSRC and enforcing the provisions of this Ordinance as necessary.
- b) In addition, the Nation Police, the TSRC Security, and the TSRC Management shall enforce the provisions of this Ordinance as necessary.
- c) Any employee who desires a reasonable accommodation to work in a smoke-free environment may do so by making a request to the TSRC Human Resources Department.

ARTICLE 5 – INTERPRETATION

- a) Sovereign Immunity. The Nation does not by enacting this Ordinance waive in any respect its sovereign immunity, or that of its agents, in any manner, under any law, for any purpose, nor in any place.
- b) Sole Procedure. This Ordinance establishes Nation standards to minimize the adverse effects of second-hand smoke at the TSRC.
- c) Not Subject to Review. This Ordinance is not subject to review or modification in any state or federal court or by any authority outside the Nation.

ARTICLE 6 – EFFECTIVE DATE

This Ordinance is effective upon enactment.

Enacted as of the 7th day of ~~May~~^{June}, 2006.



Ray Halbritter
Nation Representative